

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

PATRICK DANIEL SHUMAKER AND
PATRICK LEONEL SHUMAKER

PLAINTIFFS

v.

CIVIL ACTION NO. 1:23-CV-4-SA-DAS

YAHYA ALARSI, MUTEER NAGI,
AND O-KAY FOOD, INC.

DEFENDANTS

ORDER GRANTING MOTION TO COMPEL

The defendants have filed a motion to compel discovery seeking “sanctions against Plaintiffs by compelling them to appear for their depositions without payment of expenses.” Doc. 131. The plaintiffs’ depositions were noticed for July 18, 2025, in Columbus, Mississippi, and certain requests for production of documents were simultaneously made. Doc. 130. The defendants state the plaintiffs responded with a request that the defendants pay them \$8,400.00 to cover expenses related to attending their deposition. Doc. 131-1. The plaintiffs have since filed their Notice to Defendants to Pay the Plaintiffs’ Expenses to Attend Deposition on the docket in this case as well as a response citing Federal Rule of Civil Procedure 30(b)(3)(A) which states only that the party noticing a deposition “bears the recording costs.” Doc. 132, 134.

The general rule is that plaintiffs are required to make themselves available for examination in the district in which they bring suit. *See* 8A Charles Alan Wright, Arthur R. Miller, & Richard L. Marcus, Federal Practice and Procedure § 2112 (3d ed. 2010) (collecting cases); *see also*, *Hybrid Kinetic Auto. Holdings, Inc. v. Hybrid Kinetic Auto. Corp.*, 2009 WL 1806652, at *1 (N.D. Miss. June 24, 2009). “[I]n the absence of special circumstances showing such undue hardship, burden and prejudice to plaintiff [that] would out-balance any prejudice to the defendant ... [a] plaintiff’s convenience and burden must yield and he must submit to

examination in the forum in which he chose to litigate.” *O'Hara v. U.S. Lines Co.*, 164 F. Supp. 549, 551 (S.D.N.Y. 1958).

The plaintiffs have not sought any relief from the defendants’ Notice of Deposition [Doc. 130], and their Notice to Defendants to Pay the Plaintiffs’ Expenses to Attend Deposition [Doc. 132] is insufficient to bring the matter before this court. Accordingly, the defendants’ Motion to Compel Discovery is GRANTED, and the plaintiffs are required to appear for deposition at a time mutually convenient to the parties.

SO ORDERED, this the 29th day of July, 2025.

/s/ David A. Sanders
UNITED STATES MAGISTRATE JUDGE